

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HECTOR SANCHEZ LEYVA,)	NO. Civ. S-05-0031 FCD GGH P
)	
Petitioner,)	
)	ORDER TO REMOVE MATERIAL FROM
v.)	COURT FILE
)	
ROBERT AYERS, Warden, et al.,)	
)	
Respondents.)	
)	
)	

Petitioner's counsel requests removal of a document marked "Attorney-Client Correspondence," and the attachment thereto, submitted to the court by petitioner himself. Although petitioner's counsel contends that petitioner did not waive the attorney-client privilege by filing the correspondence in this case before the court because his doing somehow did not constitute a knowing and informed waiver, the court need not rule on this ground for the request. Petitioner's counsel also invokes the work product doctrine, the protections of which are more plainly applicable in this context.

1 Therefore, pursuant to the request of petitioner's counsel, the
2 Clerk is directed to remove from the court file the three-page letter
3 dated July 20, 2005 from David Porter to Hector Sanchez Leyva and the
4 two-page attachment thereto, both of which are attached to Mr. Leyva's
5 August 1, 2005 letter to the Court (docketed as filed on August 9, 2005),
6 comprising the last five pages contained in docket entry #26.

7 IT IS SO ORDERED.

8 Dated: 8/30/05

9 /s/ Gregory G. Hollows

10 _____
11 Honorable GREGORY G. HOLLOWS
 United States Magistrate Judge

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